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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/826,075

04/16/2004

Richard W. Hartger

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11/17/2006

VAN DYKE, GARDNER, LINN AND BURKHART, LLP  
2851 CHARLEVOIX DRIVE, S.E.  
P.O. BOX 888695  
GRAND RAPIDS, MI 49588-8695

EXAMINER

QUINN, COLLEEN M

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/826,075	HARTGER, RICHARD W.	
	Examiner	Art Unit	
	Colleen M. Quinn	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

22-48

- 4) ☒ Claim(s) 1,3,5-14,16-21,49 and 51-55 is/are pending in the application.

4a) Of the above claim(s) 22-48 is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1,3,5-14,16-21,49 and 51-55 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

*R* 11/13/06

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/6/04</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

This Final Office action is in response to amendments filed October 12<sup>th</sup>, 2006 in which claims 1, 3, 5, 7, 8, 12, 14, 21 and 49 were amended and claims 2, 4, 15 and 50 were cancelled. Claims 22-48 remain withdrawn as per the Election that was made without traverse in the reply filed on February 27, 2006.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 6, 8-11, 14, 16, 17, 21, 49, 51 and 53 rejected under 35 U.S.C. 102(b) as being anticipated by Wakeman et al. (US 3,805,966)

With respect to claims 1, 3, 9, 14 and 49, Wakeman et al. disclose a portable event rack stand assembly (Figure 1) comprising first (16) and second (18) triangular support stands, each having a base (34) and two side members (32), angularly converging upwards from the base, each connected to sleeved attachment members (28), wherein the attachment members extend in a direction normal to the plane of the frame members and receive first and second ends of a connecting member (20). There is also provided first and second mounting posts (58), extending substantially vertically upwards from each frame, and a mounting member (60), wherein the mounting member is adapted to be received by at least one of said mounting posts (Figure 1). According

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the to crosssectional lines in the figures of Wakeman, the portable event stand is made of metal.

Regarding claim 5 and 21, the first and second ends of the connecting member are located proximate the respective first and second sleeved attachment means and first and second support stands (Figure 1).

Regarding claims 6 and 53, each end of the connecting member includes a lock hole (receiving hole for 24) and lock (24) adapted to prevent separation of the connecting member from the assembly.

Regarding claim 8 the support stand assembly comprises stabilizing feet (42) on the base of each of the frames (Figure 1).

Regarding claims 10-11, the mounting members each include a stop (68) and posthole (Figure 2) adapted to receive a pin (64).

Regarding claims 16, 17 and 51, the mounting member can also be a banner display having first and second legs (62), the first mounting post adapted to receive the first leg, and the second mounting post adapted to receive the second leg, the legs adapted to support a banner (Figure 1). The legs are supported by the stops (68) as the stops support the mounting posts (58, Figure 1).

Claims 14, 16-18, 21, 49 and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Cox (US 3,100,573).

With respect to claims 14 and 49, Cox discloses a stand having first (22) and second (23) frames, each having two side members angularly converging upward and

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connected to first (42) and second (43) attachment members, first (24) and second (25) mounting posts (Figure 1), a mounted member (26), and a connecting member (38).

The attachment members receive tubular connecting member (38), through a tubular portion/sleeve of the attachment members formed by the arc of the claws on the respective attachment members (Figure 1). The tubular portions/sleeves guide the ends of the connecting member in plane normal to the plane defined by the frame members.

With respect to claims 16 and 51, the mounted member (26) is a banner display (display board), having first and second legs (28), where each leg is received by a mounting post (24,25).

With respect to claim 17, each mounting post (24,25) includes a stop (34) for supporting the legs (28).

With respect to claim 18, each mounting post includes a posthole (Figure 2) while the legs each include a mounting hole (36), adapted to receive a pin when the that the postholes and mounting holes (36) are aligned.

With respect to claim 21, Figure 1 shows a connecting member (38) received by the sleeves of the attachment members.

Claims 14, 19, 49 and 52, are rejected under 35 U.S.C. 102(b) as being anticipated by Poles (US 774272).

With respect to claims 14 and 49, Poles discloses a stand having first and second frames (E) each having two side members (unlabeled angled members as best seen in Figure 2), angularly converging upwards, each frame having first and second

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sleeved attachment members (unlabeled sleeves connecting H to E), first and second mounting posts (R), a mounted member (S), and a connecting member (H), wherein the attachment members extend in plane normal to the planes of their respective frames.

With respect to claims 19 and 52, Poles ('272) discloses first and second (T) vertical cover members extending upwardly from the mounting posts (R). A horizontal cover member (U) extends between the first and second opposite cover members (T). A tarpaulin is disposed over the horizontal cover member (U), (Specification, page 2 lines 1-19). As best seen in Figure 2, the tarpaulin substantially covers the area bounded by the first and second support ends (E).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 13, 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakeman et al., as applied to claims 1, 3, 5, 6, 8-11, 14, 16, 17, 21, 49, 51 and 53 above, and further in view of Hickok (US 3,338,422). Wakeman fails to disclose locking rings disposed around the connecting member and a cable adapted to run through the connecting member and capable of receiving a lock.

Hickok discloses a portable frame assembly support having first and second frames (11) with a connecting member (15) disposed of in between the frames.

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With respect to claims 7 and 54, (as best seen in Figure 3), the connecting member (15) is hollow. Hickok also discloses a cable (23) having a smaller than the diameter than that of the connecting member (Figure 3), making the hollow connecting member, capable of receiving the cable (23). Further, Hickok discloses the cable is connected via a shock cord connector (27, Specification, column 1, lines 57-59), making it capable of receiving locks.

With respect to claims 13 and 55, the connecting member (15) further comprises slidable locking rings (29).

Therefore, it would have been obvious, to one of ordinary skill, to provide the event rack of Wakeman et al., with the additional support means of the cable, as well as the additional support means of the locking rings, as taught by Hickok, as a way of providing alternative connection means and security for the frame and mounting members.

Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wakeman et al. as applied to claims 1, 3, 5, 6, 8-11, 14, 16, 17, 21, 49, 51 and 53 above, and further in view of Ahrens (US 5,913,432). Though Wakeman et al. disclose a metal stand (see crosssectional lines of Figures 2-5, 7 and 9), they do not disclose a protective polymer coating on the stand.

Ahrens discloses a portable event rack comprising multiple frame members and attachment members (Figure 1), made of metal and having a protective coating, preventing deterioration in an outdoor environment (Specification, column 3, lines 28-33). The rack, as best seen in Figure 7B, has a coating (205) applied to the surface for

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additional weather protection. The coating may be paint, galvanizing, hot dipped metal, *polymer* powder coding or a cathodic or anodic protection against corrosion. Ahrens also teaches the additional benefit of a polymeric coating on the metal frame being a lowered thermal conductivity, reducing the possibility of freezing a finger thereto (Specification, column 8, line 62 through column 9, line 2).

Therefor, it would have been obvious to one of ordinary skill in the art, to provide the metal stand of Wakeman et al. with the polymeric coating, as taught by Ahrens, in order to provide protection against environmental deterioration, and lower the thermal conductivity for use of the portable frame in colder temperatures, and harsh environmental conditions.

### ***Response to Arguments***

Applicant's arguments with respect to prior art references of Crockett (US 6,131,749) and Meloy (US 5,467,842) have been considered but are moot in view of the new ground(s) of rejection.

Regarding the arguments in reference to the structure of Poles, Hickok and Cox, the Examiner has made it clear in the above rejections that the structural limitations, as presented in the applicant's claimed invention, are anticipated by these references of prior art, as advanced above. Poles, Hickok and Cox, all present frames having angled frame members (Figures 2, 1 and 1 respectively) that give the stands a substantially triangular shape, as the frame members angularly converge upwards. These features can all be clearly seen in each of the figures of the noted references.



The applicant argues that none of the references disclose an assembly having a horizontal support member, supported by vertical support members, and together supporting a tarpaulin that covers the rack. Poles disclose all of the above, as advanced in the above rejection and as can best be seen in Figures 3 and 10 of the Poles reference.

Regarding the applicant's arguments to the tubular attachment members, the Examiner would like to point out that in each of the references used, the connecting members that slide into the attachment member sleeves, are tubular. Therefore, as best seen in the case of Cox, the claw and attachment members form a small tubular sleeve that grasps the tubular connecting member. The sleeve extends in a substantially horizontal direction, while the frame plane is substantially vertical to that, making the planes normal to each other.

Regarding the applicant's arguments to the locks and locking holes, each of the references presents a connecting member, that is connected to each end frame with variations of male and female connecting pieces, the male pieces acting as the locks, and female pieces acting as the lock holes.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colleen M. Quinn whose telephone number is (571) 272-6289. The examiner can normally be reached on 8:30AM-5:00PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should


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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMQ  
11/2/06

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600